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1 Indian doctors are worthless?

2 A. Yes, yes.

3 Q. And what, were you talking about the  
4 difference between American medical education and  
5 Indian medical education during this evaluation  
6 meeting?

7 A. No.

8 Q. Okay. You just can't remember how or why it  
9 came up?

10 A. Yes.

11 Q. All right. So Dr. Alexander, is that all  
12 you can recall regarding any derogatory statements  
13 regarding Indian national origin made by  
14 Dr. Alexander?

15 A. Yes.

16 Q. And was he a V.A. employee?

17 A. I don't know, but he was an attending in the  
18 Brockton V.A.

19 Q. Now, same question with regard to  
20 Dr. Chester Swett, did he ever make any comments  
21 that were derogatory towards people of Indian  
22 national origin?

23 A. No.

24 Q. And he was chief of psychiatry at the V.A.

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1 Brockton, wasn't he?

2 A. Yes.

3 Q. Dr. Ronald Gurrera, did he ever make any  
4 such comments?

5 A. No.

6 Q. Dr. Dantzler?

7 A. I never had contact with Dr. Dantzler.

8 Q. Dr. Levitt?

9 A. No.

10 Q. Dr. Osser?

11 A. No.

12 Q. Now, you indicated -- by the way, were there  
13 other, during the entire period of time that you  
14 were in the Psychiatric Residency Training Program  
15 at Brockton, were there other trainees or doctors of  
16 Indian national origin at any point in time during  
17 that period?

18 A. Yes.

19 Q. Can you identify them for me?

20 A. One is Dr. Acker -- I don't know whether  
21 Dr. Acker was there for sure.

22 Q. Anybody else?

23 A. I think there was one other doctor, but I'm  
24 not sure if he was in that peer or not, Dr. Saxena

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1 was there.

2 Q. Spell the last name?

3 A. I'm sorry, S-A-X-E-N-A.

4 Q. S-A --

5 A. S-A-X-E-N-A.

6 Q. Did Dr. Acker ever indicate to you that he  
7 felt that Dr. Mushrush had made derogatory comments  
8 towards people of Indian national origin?

9 A. Yes, he did.

10 Q. And when did he tell you such?

11 A. It might have been in 2002.

12 Q. What did he tell you?

13 A. He said Mushrush told him that Americans  
14 don't like smart Indians.

15 Q. When did he -- what was the context?

16 A. I don't know.

17 Q. You think this was 2002?

18 A. Or it might have been '01 -- '02, I think,  
19 but that I think I had written down, so I might have  
20 somewhere the exact date.

21 Q. You wrote it down at the time it was  
22 reported to you?

23 A. Not at the time, later.

24 Q. How much later?

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1 A. Yes, I did not.

2 Q. And he didn't give you a year on this?

3 A. I don't remember.

4 Q. Anybody else besides these people you have  
5 identified?

6 A. No.

7 Q. Let's talk about Dr. Mushrush, you say that  
8 she made some remarks that were derogatory in nature  
9 about people of Indian national origin, correct?

10 A. Yes.

11 Q. And you told me specifically that she said  
12 that Indian doctors -- hold on just a second -- that  
13 Indian doctors were not as good, or words to that  
14 effect, as American doctors because of the medical  
15 education there?

16 A. I did not say that, I don't recall saying  
17 that.

18 Q. Tell me what Dr. Mushrush said to you in  
19 this regard?

20 A. She made comments many times, maybe five or  
21 ten times, that Indian doctors don't value life, and  
22 they don't care about the patients, they are not  
23 dedicated to patient care.

24 Q. okay. Anything else?

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1 A. She made comments to that effect many times.

2 Q. Okay. Now, you said many times, and then  
3 you said earlier five to ten times?

4 A. Yes.

5 Q. Now, ten is twice the number of five, you  
6 would agree with me on that?

7 A. Yeah, but I did not count it, yeah.

8 Q. So you are telling me it's somewhere between  
9 five and ten times?

10 A. Yes.

11 Q. And that's over the period of what  
12 timeframe?

13 A. Two years, I guess.

14 Q. And the two years would be what years?

15 A. Maybe between 2000 and 2003, so three years  
16 probably -- 2002, actually.

17 Q. It stopped in 2002?

18 A. I'm sorry, no, I did not go to the V.A. in  
19 2003 because I was doing research, but I was in the  
20 V.A. until December of 2002, so but these comments  
21 were made between January of 2000 and December of  
22 2003.

23 Q. Okay. You started there in October of '99?

24 A. Right.

1 tell me about right now?

2 A. I don't know.

3 Q. Are there any documents you have in your  
4 mind that you think if I look at those, then I can  
5 answer your question in more detail?

6 A. I cannot think about it right now.

7 Q. Are there any people you can talk to that  
8 you have in your mind right now that would serve to  
9 refresh your memory?

10 A. I don't know, if I start thinking about it,  
11 then I would know how I can best recall the  
12 circumstances.

13 Q. Okay. So as far as we can do today, you  
14 have told me everything that you can recall  
15 regarding statements by Dr. Grace Mushrush that were  
16 derogatory toward people of Indian national origin,  
17 correct?

18 A. Yes.

19 Q. Do you allege that she called you a bad boy  
20 at a conference?

21 A. Yes.

22 Q. And do you consider that derogatory towards  
23 your national origin?

24 A. Yes.

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1 Q. How so?

2 A. Because she called me bad boy, she used to  
3 call me bad boy, not once, I think there is two  
4 occasions that I know of, in front of everybody,  
5 including my juniors whom I was supposed to  
6 supervise.

7 Q. And how do you connect that to your national  
8 origin?

9 A. I don't know, I don't know how I can connect  
10 it, but it shows her mindset, I guess.

11 Q. And what was the context in which she used  
12 the phrase?

13 A. There is no context, she said, where is the  
14 bad boy, I am talking about Dr. Badgaiyan.

15 Q. Well, there must have been a subject that  
16 came up regarding you?

17 A. No, one incident that I know I was not  
18 there, I was with a patient, and there was a  
19 conference, everybody was there, and she said, where  
20 is that bad boy? And somebody asked her, who are  
21 you talking about? She said, I am talking about  
22 Dr. Badgaiyan. And I was told by the residents that  
23 is what she said?

24 Q. And was she referring to the fact that you

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1 weren't there?

2 A. Yes, she said, where is that bad boy?

3 Q. Now, did you ever obtain the file at the  
4 Board of Registration to see just exactly what was  
5 provided by the Brockton V.A.?

6 A. No.

7 Q. Have you ever requested it?

8 A. I requested to Dr. Ceril -- I'm sorry,  
9 Attorney Ceril, and I also, if I'm not forgetting, I  
10 also requested Mr. Mery to get the document from the  
11 board, and I do not know what happened, but I never  
12 got the documents.

13 Q. So as you sit here today, you have never  
14 seen --

15 A. Never seen.

16 Q. -- the file on you at the Board of  
17 Registration?

18 A. Yes.

19 Q. Now, did you sign a waiver to obtain that  
20 file?

21 A. I don't remember, but I did sign a couple of  
22 waivers, I do not know specifically which waiver I  
23 signed.

24 MR. JOY: We would like to see that



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1 graduate from the program; and another time, it  
2 might have been in 2002, when I requested  
3 Dr. Mufson, I was doing a rotation with Dr. Mufson,  
4 and I requested Dr. Mufson that if I can go to  
5 Harvard for a research meeting for two hours on a  
6 Friday, and I offered him that for that two hours  
7 absence, I will put in four extra hours. He said,  
8 You don't have to put in extra hours, and as far as  
9 I am concerned you can go, but I have to ask  
10 Dr. Mushrush's permission. So he sent an e-mail to  
11 Dr. Mushrush -- I'm sorry, he did not -- he talked  
12 to Dr. Mushrush, he sent me an e-mail that  
13 Dr. Mushrush is not giving you permission to go for  
14 the research meeting, and you should talk to  
15 Dr. Mushrush, and I did not know at that time that  
16 he sent a copy of the same e-mail to Dr. Mushrush  
17 also. I replied him that, okay, if she made a  
18 decision without talking to me, then there is no  
19 point in talking to her, even though she had agreed  
20 of when I joined the program that I can go for  
21 research meetings, but if she is refusing without  
22 talking to me, then that's fine, I will not go to  
23 the research meeting, and in reply to that e-mail  
24 Dr. Mushrush said I never agreed that you should go

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1 for the research meeting, and if you keep doing like  
2 this, then I don't remember the wording, but the  
3 spirit of the e-mail was that she will spoil my  
4 career.

5 Q. Do you have a copy of this e-mail?

6 A. I don't remember. I tried to make a copy  
7 when I was leaving Brockton of my e-mails, because  
8 that was in the Brockton system, actually, but in  
9 the Brockton system e-mail stays only in the system  
10 for three months, so I'm not sure if I copied or  
11 printed that e-mail or not.

12 Q. When is the last time you saw the e-mail  
13 exchange that you are referring to?

14 A. I don't remember, a long time ago, because  
15 as I said, I don't want to think about what happened  
16 in Brockton because it makes me anxious, and my  
17 blood pressure shoots up, so I try not to think  
18 about things that happened in Brockton.

19 Q. Okay. Now, let's examine this a little bit  
20 more closely. You say that she said, in response to  
21 your e-mail, I never agreed that you could go to the  
22 research meetings, and that the spirit of the  
23 remainder of her e-mail to you was that she would  
24 ruin your career?

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1 A. Yes, she did, but again if you ask for a  
2 specific instance, then it's hard for me to tell you  
3 now.

4 Q. And is there anything that you can think of  
5 as you sit here today that might serve to refresh  
6 your recollection of any other specifics? Is there  
7 a document out there, is there a person out there,  
8 is there anything that you know of as you sit here  
9 right now that you would use as a source of  
10 reference to refresh your memory?

11 A. Besides these two incidences?

12 Q. Right.

13 A. I can't think of anything else.

14 Q. Now, after you resigned from the Nuclear  
15 Medicine Residency Training Program, what did you  
16 then do?

17 A. Research.

18 Q. And in what capacity?

19 A. As an assistant professor and assistant  
20 neuroscientist.

21 Q. Where?

22 A. In Massachusetts General Hospital.

23 Q. How many hours a week do you work?

24 A. There is no fixed, in research, there is no

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1 fixed hours.

2 Q. How are you compensated?

3 A. From my grant.

4 Q. The Warren-Dupont Grant?

5 A. No, that was only for one year.

6 Q. So you have another grant?

7 A. Yes, from NIH.

8 Q. When did you receive that grant?

9 A. I think in December -- I don't recall,  
10 around that time, but that grant started paying me  
11 from April 1st.

12 Q. April 1st?

13 A. Yes, 2005.

14 Q. '05?

15 A. Yes.

16 Q. And that was from NIH, did you say?

17 A. Yes, National Institute of Health.

18 Q. What's the nature of that grant?

19 A. Excuse me?

20 Q. What was that grant for?

21 A. To do research, to explore dopaminergic,  
22 D-O-P-A-M-I-N-E-R-G-I-C, activity in the brain.

23 Q. And how long was this grant for?

24 A. Two years.

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1 Q. How much money is that grant?

2 A. If I recall correctly, the direct cost was  
3 \$275,000 plus 75 percent indirect on that amount.

4 Q. 75 percent indirect?

5 A. Yes.

6 Q. What does that mean?

7 A. That goes to the hospital.

8 Q. So \$275,000 goes directly to you?

9 A. Yes.

10 Q. And 75 percent, an additional 75 percent  
11 goes indirectly to you because it goes to the  
12 hospital?

13 A. Yes, but in the last two years they are I  
14 think cutting 10 percent, or I don't remember  
15 exactly, 10 or 15 percent of the grant, of the  
16 sanctioned money for all the grants, so they did  
17 make a cut in my end, also.

18 Q. Is the \$275,000 figure per year or total?

19 A. Total for two years.

20 Q. And you received that starting in April of  
21 2005?

22 A. Yes, money came before that, I think money  
23 came in February or March, but I started drawing my  
24 salary.

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1 Q. what is the salary that you draw?

2 A. \$72,000.

3 Q. \$72,000 a year?

4 A. Yes.

5 Q. And how did you arrive at that number?

6 A. Because that is the maximum I could have  
7 withdrawn from that grant.

8 Q. For salary purposes?

9 A. Yes.

10 Q. I see, and what happens to the remainder of  
11 the money?

12 A. That goes for research expenses.

13 Q. Do you hire research assistants?

14 A. Not on this money.

15 Q. So the \$72,000 is for your salary, and the  
16 rest of it goes for research expenses?

17 A. Yes.

18 Q. what kind of expenses, just for my  
19 edification?

20 A. Scan time, which is the most expensive for  
21 the ET scan time, we have to pay I think around  
22 \$2,000 for each scan, because I use it to scan  
23 people.

24 Q. Is there any particular name to this grant?

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1 A. It's R-21.

2 Q. R-21. Is it a renewable grant?

3 A. No, it is not renewable.

4 Q. Have you applied for any other grants?

5 A. Yes.

6 Q. Okay. Tell us what other grants you have  
7 applied for since, let me put a timeframe on this,  
8 January 1, '04 to the present?

9 A. January '04 to present, how many grants I  
10 applied?

11 Q. How many grants you applied for and how many  
12 you have received?

13 A. I applied for a Dana Foundation Grant, and I  
14 received it.

15 Q. Dana Foundation?

16 A. Yes.

17 Q. How much?

18 A. \$100,000.

19 Q. Did you pay yourself a salary from that?

20 A. No.

21 Q. When did you receive that?

22 A. I think it started in January.

23 Q. of '04?

24 A. This year.

1 Q. of this year, okay.

2 A. Yes, 2006.

3 Q. Okay.

4 A. And then I applied for under the R-21 again  
5 from NIH. I applied --

6 Q. Did you receive that?

7 A. No, it's still under consideration.

8 Q. When did you apply?

9 A. February.

10 Q. of '06?

11 A. '06.

12 Q. Okay.

13 A. And I think '05, or it might have been '04,  
14 I applied for two other grants that was not funded.

15 Q. Okay. Can you identify them for me?

16 A. One grant submitted to National Science  
17 Foundation and the other to NIH. I think I applied  
18 two more grants to NIH that were not funded, yes.

19 Q. Okay. Are there any others in the works  
20 right now besides what you've told me about?

21 A. Yeah, in collaboration with Dr. Fischman, I  
22 submitted another grant last month.

23 Q. To whom was that submitted?

24 A. Shriners Hospital Foundation.



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1 Q. Shanger?

2 A. Shriners.

3 Q. Oh, Shriners, and how much is that grant  
4 for?

5 A. That is -- I don't remember exactly what the  
6 figure is because I am not the receiver of that  
7 grant, Dr. Fischman is.

8 Q. Well, do you have a sense of how large that  
9 grant would be?

10 A. Probably about \$150,000 a year for two  
11 years.

12 Q. Would there be any salary paid out of that?

13 A. Probably 20,000.

14 Q. 20?

15 A. Yeah.

16 Q. Any other grants in the pipeline or on the  
17 drawing board?

18 A. No, I submitted this last year, last month,  
19 Dr. Fischman submitted it, I'm co-investigator on  
20 this grant.

21 Q. I'm sorry, I didn't understand what you just  
22 said?

23 A. I am co-investigator on that grant.

24 Q. Of this one you just mentioned?

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1 A. Yes, the Shriners.

2 Q. All right. Now, let me ask --

3 A. Excuse me, can I make a correction?

4 Q. Mm-hmm.

5 A. In collaboration with Dr. Fischman, we have  
6 another grant from Shriners Hospital Foundation.

7 Q. Another one?

8 A. Yeah, that started this January of '06.

9 Q. Okay, and how much was that for?

10 A. 100, again I don't have the figure, but  
11 around 140, \$150,000.

12 Q. Any salary component?

13 A. I don't know, I have not received it.

14 Q. Have you discussed it with him?

15 A. No.

16 Q. Okay. Now, you filed a complaint with the  
17 EEO Department of Veterans Affairs, right?

18 A. Yes.

19 Q. And you were asked to supply some  
20 information -- pardon me.

21 (Off the record.)

22 Q. You sent a letter, did you not, to Ms. Velez  
23 in response to her request for information to  
24 support your complaint, did you not?

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1 Administration?

2 A. I don't know the context, I don't remember  
3 the context.

4 Q. I would like to focus your attention on the  
5 middle paragraph where it says, "The Director," this  
6 is the last sentence, "The Director has expressed  
7 her disliking and biased opinion against the doctors  
8 of Indian origin on several occasions, because she  
9 thinks that, "they are smart and confident"." Do  
10 you see that?

11 A. Yes.

12 Q. Now, nowhere here in that paragraph or for  
13 that matter in the entire body of this letter  
14 appears comments attributable to the director, whom  
15 I assume is Dr. Mushrush, correct?

16 A. Yes.

17 Q. You have attributed to her a statement that  
18 Indian doctors are smart and confident, but I don't  
19 see here any attribution to her of a statement that  
20 Indian doctors don't care about their patients, that  
21 they let their patients die, and that she asks you  
22 how many patients did you kill last week, and  
23 etcetera, the other statements you attribute to her,  
24 which you testified all took place prior to

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1 September 4, 2002. Do you have any explanation why  
2 those are missing, and yet the one that you told us  
3 you heard from Dr. Acker about Indian doctors being  
4 smart appears here?

5 A. First thing, this letter is not complete, I  
6 did not write everything that happened in the V.A.  
7 on this letter, and the other comments that you are  
8 referring to, I might have mentioned those  
9 complaints in the other exchanges that I had with  
10 EEOC.

11 Q. Doctor, it says here, and I would like you  
12 to focus your attention on it, "The Director has  
13 expressed her disliking and biased opinion against  
14 the doctors of Indian origin on several occasions,  
15 because she thinks that, "they are smart and  
16 confident"." Now why didn't you say she also said  
17 that Indian doctors don't value the lives of their  
18 patients, that they kill their patients, and the  
19 other things that she said, why isn't that here?

20 A. I would have said many things, but obviously  
21 I had to limit the length of the letter, and  
22 obviously I did not, and whatever came to my mind at  
23 that time I put on the paper, I did not put  
24 everything that happened in the V.A., every comment

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1 that she made, I just said there are many occasions,  
2 so if somebody permits an investigation, then  
3 everything would come out.

4 Q. But this is in response to a request for  
5 information to support a complaint of discriminatory  
6 treatment by the V.A., is it not?

7 A. I don't know in response to what, which  
8 letter?

9 Q. Do you remember when you filed your first  
10 complaint?

11 A. Yeah, it was some time I think in August or  
12 September of 2002.

13 Q. All right. well, let's, let's get to that  
14 then. I have a document which I would like to have  
15 marked as Exhibit No. 2 and which I will identify as  
16 an EEO counselor's report -- actually, let me hold  
17 on that. I am actually going to have marked for  
18 identification the Complaint that initiated all of  
19 this, let's mark that first.

20 You do recall filing a complaint  
21 challenging the decision not to promote you right  
22 away, which you received in May of 2002, correct?

23 A. Yes.

24 Q. And you challenged that decision based on

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1 the fact that you believed it was the product of  
2 discrimination, correct?

3 A. Yes.

4 Q. And the discrimination was national origin  
5 discrimination, is that also correct?

6 A. Yes.

7 Q. And you filed that around August of 2002?

8 A. Yes.

9 Q. Do you remember the name Velez as someone  
10 who made an inquiry with you about supplying  
11 information?

12 A. I remember the name, but I don't exactly  
13 recall what she asked me to do.

14 MR. JOY: All right. If you hold on, I  
15 do have that complaint here. All right, this is the  
16 document would I like to have marked for  
17 identification as Exhibit 2. I will identify it as  
18 what appears to be an intake document providing the  
19 basis of a complaint with the name Rajendra D.  
20 Badgaiyan at the top, and the date 9/4/02 at the  
21 bottom right.

22 (Document was marked Exhibit No. 2 for  
23 identification.)

24 Q. Let me show you this document, Doctor, and

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1 ask if you could take a moment to examine it,  
2 please.

3 A. (Witness reviews exhibit.)

4 Q. Can you tell me what this document is?

5 A. Yes, that is my complaint.

6 Q. And it was filed on or about the 4th of  
7 September, 2002?

8 A. Yes.

9 Q. And was this letter supplied on the very  
10 same day?

11 A. Yes.

12 Q. And this letter was supplied to support your  
13 claim of discrimination on the basis of national  
14 origin, correct?

15 A. Yes.

16 Q. Is that your signature that appears on the  
17 bottom left hand?

18 A. Yes.

19 Q. Now, if I identified Ms. Velez's first name  
20 as Jacqueline, would that serve to refresh your  
21 memory as to who she might be?

22 A. Yes, that name sounds a bell.

23 Q. All right. I have another document, this  
24 one I would like to have marked as Exhibit No. 3, I

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1 will identify it as the EEO counselor's report  
2 contains bates stamp VA049, and the date  
3 9/24 -- actually, let me withdraw that, I'm not sure  
4 what the exact date is, but we will identify it as  
5 Bates stamp VA049 to VA053, and it does contain the  
6 date of 10/4/02 on the last page VA053. would you  
7 mark that, please?

8 (Document was marked Exhibit No. 3 for  
9 identification.)

10 Q. I am going to show you the document marked  
11 as Exhibit 3 and ask if you would take a moment to  
12 examine that, please?

13 A. (Witness reviews exhibit.)

14 Q. Have you had a chance to examine Exhibit No.  
15 3?

16 A. Yes, yes.

17 Q. I direct your attention to page 3 under  
18 Brief Description of the Claim, do you see that  
19 section?

20 A. Yes.

21 Q. It says, "The aggrieved employee contacted  
22 the Office of Resolution Management on August 29,  
23 2002 because he believed he was discriminated  
24 against based on his national origin (India) when he



1 received a letter dated May 28, 2002 with the  
2 Psychiatry Residency Training Program Committee  
3 recommendations of not promoting him to his next  
4 level (PSY-14)," it should be 4, "in October of  
5 2002. when asked by this counselor why he felt he  
6 was not discriminated" -- I'm sorry, let me, "when  
7 asked by this counselor why he felt he was  
8 discriminated based on his nationality, the  
9 aggrieved party said that he was the only Psychiatry  
10 Resident not promoted to the next level." Do you  
11 see that?

12 A. Yes.

13 Q. Is that what you told Ms. Velez when she  
14 asked you why you felt you were discriminated  
15 against on the basis of your nationality?

16 A. That was not the phrase, if I remember  
17 correctly, I don't remember exactly the words, but  
18 just in response to her question of what was the  
19 discriminatory action, how you are discriminated.

20 Q. Well, sir, it says, if you will refocus your  
21 attention on the last line, "when asked by this  
22 counselor," and it is signed by Ms. Velez on the  
23 last page, "when asked by this counselor why he felt  
24 he was discriminated based on his nationality, the